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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,486	10/21/2005	Doerte Eimers-Klose	10191/3910	3947
26646 7590 04/07/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
			EXAMINER	
			BLAIR, DOUGLAS B	
			ART UNIT	PAPER NUMBER
			2442	
			MAIL DATE	DELIVERY MODE
			04/07/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/535,486

Applicant(s)

EIMERS-KLOSE ET AL.

Examiner

DOUGLAS B. BLAIR

Art Unit

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The applicant has amended claims 8 and 14. Claims 8-23 are currently pending.

Response to Arguments

Applicant's arguments filed 3/18/2009 have been fully considered but they are not persuasive.

Before addressing the actual arguments the Examiner will address the statement that allowable subject matter was indicated. The applicant is correct about this however after a careful review of the applicant's specification in light of the Jannu reference which was made after the 12/9/2008 conversation. The Examiner reconsidered as the Examiner could find no reason to indicate the claim subject matter allowable given the vague disclosure on the subject matter provided by the applicant's specification versus what is taught by Jannu. The applicant did not even provide any arguments as to why the applicant believes the claims in question are patentable over the prior art so there is no reason to withdrawal the rejection.

As to the argument that Jannu does not teach subnets in a vehicle, this limitation is not patentable because the operation of the claimed gateway device in a vehicle is no different than the operation of the claimed gateway device anywhere else. See the revised rejection as follows.

As to the argument that Jannu does not teach "modular gateways", the applicant seems to be confused as to the applicant's own specification. The claimed "module software gateway" is the same thing as the applicant's disclosed "logical software gateway" (See page 4, lines 3-4 of the applicant's specification. When the applicant's specification states that "expand[ing]

gateways without the need for changing the existing gateway software and/or the existing configuration tables" the applicant is referring to the gateway unit which houses the modular gateways. Jannu works the same way in that only the adapters that connect to the new equipment must be replaced. For example, if application 126 is replaced then only adapters connected to application 126 need to be changed. Adapters between any of the remaining applications remain the same. The applicant is taking the words "all other systems must be redesigned" completely out of context because this only means that adapters related to a specific piece of equipment and not every adapter in the system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 7,152,094 to Jannu et al.

As to claim 8, Jannu teaches a device for connecting subnets, comprising: a gateway unit configured to connect at least two subsystems, wherein the gateway unit is made of at least one modular software gateway, which routes messages between only two subnets (Figure 1 and col. 1, lines 38-58, each connection 101-115 is considered a modular software gateway); however Jannu does not explicitly teach the subnets being in a vehicle. It is obvious to make an old

device portable or movable as the claimed device for connecting subnets does not produce any new or unexpected result when put in a vehicle (See MPEP section 2144.04(V)(A)).

As to claim 9, Jannu teaches a device wherein at least three subnets are connected to the gateway unit, the gateway unit including a plurality of modular software gateways, each of the modular software gateways routing messages between only two subsystems (Figure 1 and col. 1, lines 38-58).

As to claim 10, Jannu teaches a device further comprising: bus-specific receiving objects configured to relay incoming messages to selected software gateways, the bus-specific receiving objects being provided for each subnet (the applicant's specification provides no definition for a "bus-specific receiving object". The prior art described by Jannu clearly is able to relay incoming messages to selected gateways because it would be ridiculous for to send a message from application 128 to application 120 if the message was intended for application 122).

As to claim 11, Jannu teaches a device wherein the receiving objects including routing tables in which a treatment of incoming messages is configured (the applicant does not disclose any limiting details on a "routing table" and the prior art described by Jannu is clearly able to route messages).

As to claim 12, Jannu teaches a device further comprising: bus-specific transmitting objects configured to monitor access to a particular bus, for each subnet (Figure 1 and col. 1, lines 38-58).

As to claim 13, Jannu teaches a device wherein the modular software gateway is configured to buffer incoming messages and perform protocol-specific adaptations (col. 1, lines 51-54).

As to claims 14-23, these limitations are shown in the rejections of the preceding claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/
Primary Examiner, Art Unit 2442